

HAN3DEHS

Sentence

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

14 CR 130 (LAP)

5 JAMAL DEHOYOS,

6 Defendant.

7 -----x

8 New York, N.Y.
9 October 23, 2017
10:00 a.m.

10 Before:

11 HON. LORETTA A. PRESKA,

12 District Judge

13
14 APPEARANCES

15 JOON H. KIM
16 Acting United States Attorney for the
17 Southern District of New York
18 LOUIS PELLEGRINO
19 Assistant United States Attorney

20 MEGAN BENNETT
21 Attorney for Defendant
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HAN3DEHS

Sentence

1 THE COURT: United States v. Jamal Dehoyos. Is the
2 government ready?

3 MR. PELLEGRINO: The government is ready, your Honor.

4 THE COURT: Good morning. Is the defense ready?

5 MS. BENNETT: Yes, your Honor. Good morning.

6 THE COURT: Ms. Bennett, have you and your client had
7 adequate time to review the presentence report?

8 MS. BENNETT: We have, your Honor.

9 THE COURT: Is there any reason it should not be made
10 part of the record?

11 MS. BENNETT: No, subject to the issues raised in the
12 defense sentencing submission, we have no concerns about its
13 admission.

14 THE COURT: Are there any objections to the
15 presentence report?

16 MS. BENNETT: The defense objects to the calculation
17 of Mr. Dehoyos's criminal history category with respect to the
18 youthful offender adjudication, and as mentioned in the defense
19 sentencing submission, there are I believe some inaccuracies,
20 although I don't think those bear -- they certainly don't bear
21 on the offense conduct nor do they directly bear on the issue
22 of the criminal history calculation. But to the extent they
23 suggested that Mr. Dehoyos was being less than forthcoming
24 during the presentence investigation report, I wanted to make
25 sure the Court and the record reflected that there was

HAN3DEHS

Sentence

1 information in the presentence investigation report that was
2 contradicted by evidence, such as Mr. Dehoyos's absence of a
3 driver's license. The PSR says there was no record of that,
4 and in fact as we submitted to the Court he does have a
5 driver's license that was valid at the time of the presentence
6 investigation interview.

7 And the issue of Mr. Dehoyos's second daughter which
8 the presentence investigation report suggested he had
9 intentionally withheld information about. There was a
10 discussion of his relationship with that child's mother. And
11 as noted in the materials handed up today, the belated proposed
12 Exhibit N which is letters from the family, Mr. Dehoyos does
13 have a relationship with that daughter.

14 THE COURT: And I note that the government in its
15 sentencing memorandum notes that the parties had contemplated
16 that the defendant's criminal history category would be III and
17 his guidelines range would be 51 to 63 months.

18 MR. PELLEGRINO: That's correct, your Honor.

19 THE COURT: Anything else on that?

20 MS. BENNETT: Nothing from the defense, your Honor.

21 THE COURT: Very well then. With respect to the
22 offense level computation, I accept the findings of the
23 presentence report set forth at paragraphs 53 through 64, which
24 conclude that a total offense level of 22 is appropriate.

25 With respect to the defendant's criminal history, I

HAN3DEHS

Sentence

1 accept the agreement of the parties that Mr. Dehoyos has five
2 criminal history points, based on three points for his June 14,
3 2007 conviction for criminal possession of a weapon, and his
4 subsequent sentence on that conviction, as well as two points
5 because the defendant committed the instant offense while on
6 parole. As a result, the defendant's criminal history category
7 is III, and his guidelines range is 51 to 63 months.

8 As I mentioned, I have the government's submission
9 dated October 19, 2017. I have the defense submission dated
10 October 10, 2017, together with the documents handed up this
11 morning, the additional exhibits, the work report and the like.

12 Are there any more written materials I should be
13 looking at?

14 MS. BENNETT: No, your Honor. I think this is
15 probably incorporated with what you have as filed on
16 October 10, 2017. But there were two additional exhibits to
17 Mr. Dehoyos's sentencing submission that were submitted late.
18 One on October 13, and one on October 19. And those are, if
19 you go to the back of the packet of materials, you would find
20 them as ECF document numbers 239-1 and 240-1.

21 THE COURT: Yes, ma'am.

22 MS. BENNETT: Okay.

23 THE COURT: Thank you.

24 MS. BENNETT: With the proposed Exhibit N that I
25 submit today, which were letters of support from Mr. Dehoyos's

HAN3DEHS

Sentence

1 family and friends and then the most recent work reports,
2 that's everything that the defense submitted in writing.

3 THE COURT: Yes, ma'am. Would you like to speak on
4 behalf of Mr. Dehoyos.

5 MS. BENNETT: I would, thank you, your Honor. First
6 for the record I would like to point out that a representative
7 from the Focus Forward is in the audience.

8 I don't want to go over the chapter and verse of
9 everything that was submitted in writing, but I do think this
10 is -- I know that this is an important proceeding for
11 Mr. Dehoyos, and that this has been a monumental two years in
12 the course of his life, and I would like to go over a few
13 certain especially important points with respect to both his
14 history and characteristics, the offense conduct, and then the
15 conduct over the past the two years of incarceration.

16 Starting with Mr. Dehoyos's history and
17 characteristics. I think there is no question that we all
18 begin our lives at different starting lines, and Mr. Dehoyos
19 began his life at a starting line I think none of us would want
20 to see a child begin. He was born into a completely chaotic
21 household. He was raised or he was supposedly raised by a
22 street hustler father and a mother who was under the total
23 domination of her husband. It was a house in which emotional
24 and physical abuse was a constant and recurring normal cycle of
25 events. It was a household in which both of his parents were

HAN3DEHS

Sentence

1 engaged in the drug trade. And it was a household in which at
2 the age of just over 15, 16 years old, Mr. Dehoyos had his
3 first contact with the criminal justice system.

4 And it was then -- I think of this as the turning
5 point and I was reflecting on it when I was considering what
6 happened in Jamal's life, and there was the time that I read
7 Romeo and Juliet a thousand years ago, and there is the moment
8 when Tybalt kills Mercutio, and it is that moment where
9 everything changes. And had it not been for that moment, Romeo
10 wouldn't have killed Tybalt and the Montagues and Capulets
11 would not have embarked on the feud that ultimately resulted in
12 the tragic end of the Shakespeare play.

13 And I think for Jamal's life, it may be that the
14 outcome wouldn't have been the same had it not been for that
15 arrest when he was 16. But it is that arrest when the police
16 are in his home and there are guns in his mother's bedroom, and
17 that's documented in I believe one of the exhibits that I
18 submitted, and when he is standing there thinking about the
19 mother who his father has constantly abused, the mother who for
20 whatever failures she exhibited as a parent, is still the
21 person, aside from his grandmother, to whom he is closest in
22 his life. And he says that the guns are mine. And I'm not
23 disputing that he took responsibility for those weapons, and I
24 don't know enough to be able to even say that there was an
25 issue about them being his weapons.

HAN3DEHS

Sentence

1 But when you think about the fact that had it been two
2 weeks earlier, he would have been in the juvenile justice
3 system where he would have had access to an entirely different
4 set of opportunities. And while he was adjudicated as a
5 youthful offender, he was treated by his household and
6 certainly at the time of the arrest as somebody who was far
7 beyond his age and his experience. And I can't help but wonder
8 what would have happened with the next 25 years had that moment
9 been different.

10 And it certainly true that over the next 25 years he
11 did exhibit a lack of respect for the public safety, for the
12 public good. There was the drug sale that is reflected in his
13 criminal record. There is attempted criminal sale of a
14 controlled substance. There was I think probably most
15 troubling the firearm incident, which was based on -- I offer
16 this information not in any way to suggest that the public
17 threat was diminished because of this, but to put it in
18 context. It was a middle of the night dispute with an
19 individual who was known by the police to be a neighborhood
20 drug dealer. And I say that in order that the Court understand
21 that Mr. Dehoyos is, while he has this history, he is not a
22 person who has acted without consideration for the larger --
23 this was not an act of random violence and he served a
24 substantial sentence on that case.

25 But I think that it is, it is perhaps the part of

HAN3DEHS

Sentence

1 Mr. Dehoyos's record that the Court might have the most concern
2 with. But it is an isolated incident in the course of his 40
3 plus years.

4 THE COURT: Well, shooting at people --

5 MS. BENNETT: I understand.

6 THE COURT: -- is a fairly significant isolated
7 incident.

8 MS. BENNETT: It is, it is. And I'm not quite sure --
9 this is something that for two years Jamal and I have been
10 talking about. I don't think there is anything to be added to
11 what the Court has. I wanted to raise the factual context of
12 the conviction not to suggest that shooting at a drug dealer is
13 in any way acceptable behavior. But to explain what the
14 series -- what -- what the context was of that event. And
15 there is no, there is no way in which it can be explained or
16 minimized.

17 If Mr. Dehoyos feels like speaking to it, he is a
18 thoughtful and articulate and introspective individual. He
19 could. But I believe that the record speaks for itself and in
20 that case and he did accept responsibility. I know there was a
21 recalcitrant witness. He promptly pleaded guilty in that case,
22 irrespective of what the facts might have shown at trial.

23 And when I say it was isolated, I mean that this, he
24 is not, he is not alleged to have been one of the individuals
25 in this case who carried a firearm, who arranged for firearms.

HAN3DEHS

Sentence

1 And I just wanted to sort of separate out the 2006 incident
2 from the current robbery conspiracy.

3 But I'd like to talk a little bit more about the past
4 two years of Mr. Dehoyos's life which I think when considering
5 the 3553(a) factors provide some guidance looking prospectively
6 at what we can expect, as opposed to retrospectively at how he
7 should be punished for his behavior.

8 I know the Court has sentenced several other
9 co-defendants, but I believe the last one was some time ago
10 although I'm not sure if Mr. Hardin has been sentenced yet.

11 In several of those cases, it appeared from the
12 sentencing minutes that the plea agreement restricted -- there
13 was a provision in which defense counsel agreed not to ask for
14 a variance under 3553(a), and the government at least in a
15 couple of those sentencing proceedings pointed out on the
16 record the reason for that is that the individuals' role in the
17 conspiracy and the robbery was sufficiently serious they didn't
18 believe 3553 variances would be justified, although obviously
19 the Court always retains the discretion to fashion a sentence
20 that is sufficient, but not greater than necessary.

21 Mr. Dehoyos's plea agreement didn't have that same
22 restriction. I don't know if that was a change in the policy
23 of the office, but it does suggest to me that the government
24 recognizes that his role in this case was somewhat different
25 than that of his co-defendants. The offense conduct here, the

HAN3DEHS

Sentence

1 Court obviously knows from having sentenced several of the
2 co-defendants that the gravity of the offenses and the impact
3 that those have had on several of the jewelry store owners
4 Mr. Dehoyos was involved in the January 2013 robbery in
5 Cranford, New Jersey.

6 His brother Tyrone, as the Court knows, had a much
7 larger role in this case. The government says in its
8 sentencing submission that Mr. Dehoyos had a individual
9 relationship with John who is the leader. I think that's based
10 entirely on Tyrone's relationship with Mr. Robinson and Tyrone
11 and Jamal being siblings and living together from time to time
12 there was some overlap between their acquaintances, but it is
13 my understanding that Jamal Dehoyos's role in this crew was
14 largely driven by his -- by his relationship with his brother.
15 Not that he didn't enter it of his own accord, but that he was
16 introduced to this by his brother Tyrone.

17 The fact that he was in a car, the government says in
18 its sentencing submission and describes, as I understand the
19 conspiracy to have operated, that often John Robinson for
20 example would be several steps removed from the individuals who
21 were going into the stores, and the government mentions this in
22 their sentencing submission here to point out that just because
23 Jamal was in a car doesn't mean he had a relatively minor role.
24 I would point out that John Robinson had a leadership
25 enhancement in his case. John Robinson was the leader of this

HAN3DEHS

Sentence

1 organization. There is no allegation, and the government
2 concedes there is no allegation that Jamal was anything other
3 than involved in an individual incident. There is no
4 suggestion that he was a leader or high up in this crew by any
5 stretch. And that I think the fact he is in this vehicle and
6 he is -- I believe there was a state arrest in New Jersey of
7 Tyrone and Jamal Dehoyos actually bailed out his brother there.
8 And he was in the car, he was there to facilitate the
9 January 2013 events. But his being in the car I don't think
10 should suggest that he had a senior role in that January 2013
11 robbery.

12 And while there is a four-point enhancement here for
13 the use of the sledge hammer, again that was -- and Mr. Dehoyos
14 did acknowledge understanding that force might have been used
15 in the course of this robbery, again this is not, he is not an
16 individual who wielded the sledge hammer or who was involved in
17 procuring it in this case. His role was closer to that of
18 Kendall Thompson. I'm sorry. Actually I think it was closer
19 to Terrell Ratliff. He was also involved in an individual
20 robbery. And I believe there was the use of a sledge hammer in
21 that individual robbery. There was no, I don't believe there
22 was a weapon enhancement in his case. But I think the facts of
23 his robbery are sort of the most closely analogous to the
24 robbery in which Mr. Dehoyos was involved.

25 I would just briefly like to talk about what Jamal has

HAN3DEHS

Sentence

1 done over the past two years if the Court will indulge me a few
2 more moments.

3 I don't think it can be easy being on the edge of 40
4 and facing a substantial prison sentence. And it certainly
5 can't be easy under Jamal's circumstances, given the loss of
6 his grandmother who was the only stable influence in his life,
7 shortly before his incarceration here. Given the role that his
8 brother had in this case, of which he was keenly aware, and I
9 think for somebody of his background, we might have expected a
10 different adjustment to incarceration.

11 From the moment that he arrived at the MCC, he, he has
12 shown himself to be a good citizen, he's shown himself to be
13 committed to his rehabilitation, and I think most importantly,
14 he's shown himself to be committed to the betterment of his
15 peers there and of the environment in general.

16 He completed, as the Court knows, he completed the
17 Focus Forward program. Mr. Neeling is here now. He
18 participated in almost more programs than I knew existed at the
19 MCC. He joined the Moth Community Storytelling program. I had
20 beautiful feedback from the organizers of the storytelling
21 program, Cindy Freeman who ran his group tried very, very hard
22 to be here, and was told as she had been told by prison
23 personnel originally she couldn't write a letter on his behalf.
24 She was told she can't appear here. And the last communication
25 I had from her was this morning where she said made one last

HAN3DEHS

Sentence

1 effort and told she couldn't be here because of the concern she
2 would have the appearance of bias in any future -- at any
3 future groups that she was leading.

4 But Jamal's dedication, his commitment, his
5 enthusiasm, were evident to everybody with whom he was involved
6 in these programs. I think that what is most, to me what
7 emblemizes the past two years was his role in the inmate
8 companion program. And there is the letter from another inmate
9 at the MCC that talks about how helpful Jamal was when this
10 individual felt like there was no hope at all. And that Jamal
11 was able to help him see hope in his own life, which I think
12 Jamal can only do if he recognized there was hope in his own
13 life.

14 And again, for somebody with his background and at his
15 age to believe in a future requires a deep commitment, and a
16 leap of faith almost in some ways. But I think through the his
17 good acts he has shown himself that he has the potential to
18 live outside the prison system the way he has lived for the
19 past two years. Jamal's daughter also in the audience now.

20 THE COURT: Good morning.

21 MS. BENNETT: And cousin Evelyn is here as well and
22 Mr. Dehoyos's cousin Evelyn is seated next to Ms. Dehoyos. The
23 warden in this case, the warden at the MCC wrote a letter to
24 the Court. I can't tell you how long I've been trying to get
25 them to provide the letter. And it was the tenacity and

HAN3DEHS

Sentence

1 persistence of Mr. Dehoyos really prompted that. Officer
2 Hodges whose letter I submitted to the Court, also had asked to
3 be here today and was told by Adam Johnson we would have to
4 submit a Touhy letter and an executed subpoena which I
5 provided, but Adam Johnson never responded to me. But Officer
6 Hodges, who I met with in person when he wrote and signed the
7 letter that was submitted to the Court told me that Jamal was
8 instrumental not just in that incident detailed in Officer
9 Hodge's letter but generally as a citizen of 9 South. He is an
10 elder statesman who has been able to provide the younger men
11 with whom he is living some sense of how you can mature and how
12 you can have hope to live a life on the outside that is
13 productive, that is collaborative, that is law abiding.

14 I was moved, especially, by the comments in the Moth
15 letter about how he was -- had the insight to reflect upon the
16 good in his background. And in his childhood there was very
17 little but he could extract the good from Susana who taught him
18 how to cook, that he was going to have to take care of himself.
19 As Focus Forward said he was willing to open up and make
20 himself vulnerable in a way that had a ripple effect on all the
21 other participants in that class. He never made excuses for
22 his past. He was enthusiastic, he was questioning, he was
23 curious, he has explored the drive change. He has a plan to
24 work in the food services industry as soon as he is able to.
25 As soon as he is released from custody.

HAN3DEHS

Sentence

1 I think one of the things that has been really hard
2 about this case is that Tyrone, in addition to whatever sense
3 of betrayal he may have given Tyrone's role in the case, there
4 was also the hope that Jamal was going to start this food truck
5 and that he was going to do with that the proceeds of the sale
6 of the family home, and those proceeds had been distributed
7 differently than he had believed they would. But despite that,
8 he has still remained hopeful. And he has shared that hope
9 with his fellow inmates. He has demonstrated that he can take
10 that optimism, that commitment, that insightfulness, that
11 understanding of his past, and he can channel that into a
12 positive ventures and he's done that for the past two years.
13 He is committed to continuing it do that in the future, and I
14 think the question then is what sentence beyond what he has
15 already served will accomplish the goals of 3553. Will be
16 sufficient, but not greater than necessary, to accomplish those
17 goals.

18 And I would suggest that a sentence proposed in the
19 defense letter of 24 months is serious, reflects his role in
20 this case, and his particular offense conduct and also takes
21 into account his substantial good deeds. His herculean efforts
22 at rehabilitation. His commitment to his community, to his
23 neighbors, to his friends and to his family. Thank you, your
24 Honor.

25 THE COURT: One concern I have, counsel, about your

HAN3DEHS

Sentence

1 suggestion is I think it would result in Mr. Dehoyos's being
2 released pretty soon. Often BOP suggests a period in a
3 community confinement center to allow an individual to
4 transition back to society. And I wonder if given the history
5 here that's not something that might be useful.

6 MS. BENNETT: I think that's an excellent point. And
7 I think in the judgment and commitment order if the sentence
8 were to specifically sentence Mr. Dehoyos to such a facility,
9 that that would be a useful and appropriate transition from
10 incarceration to a return to society.

11 My concern with adding a sentence with additional time
12 is that in my experience, at least, bureau of prisons doesn't
13 necessarily, even though we expect them and they sometimes do,
14 place an individual with six months or so of incarceration left
15 into a community housing facility or a halfway house. That is
16 not always the case. And I've had more success in the
17 placements if the sentence itself directs that the sentence
18 should be placement in a community housing center, and I would
19 say that's something that would match what we might expect the
20 bureau of prisons to transition an individual to at the end of
21 their sentence would be appropriate, which I think would be
22 sometimes I think it is sometimes six months, sometimes a
23 little bit longer.

24 THE COURT: Thank you.

25 MS. BENNETT: Thank you, Judge.

HAN3DEHS

Sentence

1 THE COURT: Mr. Dehoyos, would you like to speak on
2 your own behalf.

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Yes, sir.

5 THE DEFENDANT: Good morning, first of all, your
6 Honor.

7 THE COURT: Good morning, sir.

8 THE DEFENDANT: I would like to apologize to the
9 jewelry store owner, the Martin Jewelry Store. I definitely,
10 I'm greatly sorry for what I've done and with the part I played
11 in that role of that jewelry store robbery.

12 I also would like to apologize to my daughter for not
13 being a good father. Being in and out of prison my whole life.
14 You know. And I definitely want to thank Grant for being here
15 today. Thanks. You know.

16 Your Honor, I been in and out of prison for all my
17 life. For as long as I can remember this is the life I knew.
18 It took me to be 42 years old to come to MCC to realize it is
19 not the right way to live. I went down the wrong path. I was
20 taught the wrong way. And I changed. I felt that I changed
21 being at MCC for the better. I changed now like I never
22 changed before or any time I ever did prison time, it was
23 never, it was never a change in me. It took me to come here to
24 realize that I'm 41 years old and I'm in front of a judge
25 again. You know, my life in her hands. And I feel like I did

HAN3DEHS

Sentence

1 rehabilitate this time. I can't say that, you know, my part in
2 this crime was as heavy as the other guys or whatever the case
3 may be but I did, I was there. I shouldn't have been there.
4 You know.

5 But sometimes, it's just, I guess it was family, money
6 that drove me to do the things that I have done in the past.
7 And now, learning from that mistake that I did was a great
8 mistake, I would never do it again. I would never, you know,
9 submit myself to fall for the root of evil which is money or
10 even helping out a family member. With that I say, you know,
11 I'm sorry for what I did. Thank you.

12 THE COURT: Thank you, sir. Does the government wish
13 to be heard?

14 MR. PELLEGRINO: No, thank you, your Honor. We're
15 happy to rest on our submission unless the Court has any
16 questions.

17 THE COURT: Thank you. Counsel, as you know, I have
18 calculated the guidelines and certainly take them into account.

19 The total offense level in my view accurately reflects
20 the nature and circumstances of the offense. With respect to
21 the defendant's history and characteristics, as counsel has
22 talked about both in the sentencing submission and today,
23 Mr. Dehoyos did not have a lot going for him coming into this
24 situation. On the other hand, counsel has pointed out and his
25 words make clear, that he has a great deal of remorse about

HAN3DEHS

Sentence

1 this situation, and has in his words been rehabilitated. For
2 that reason, I find that the guidelines sentence that is
3 prescribed is greater than what is necessary to promote the
4 sentencing factors.

5 With respect to the paragraph 2 factors, certainly an
6 incarceratory sentence is required to reflect the seriousness
7 of the offense, but in this instance, the guideline sentence
8 prescribed as I've mentioned is greater than what is necessary.
9 Certainly some period of incarceration is required for public
10 deterrence. I am persuaded, however, in light of Mr. Dehoyos's
11 work since he has been incarcerated, that significantly more
12 incarceration is not required to protect the public from
13 further crimes of this defendant. The paragraph D factors of
14 educational or vocational training are less important here.

15 I have in mind the paragraph 3, 4, and 5 factors.
16 With respect to paragraph 6, the need to avoid unwarranted
17 sentencing disparities, in this instance, I think everybody is
18 in agreement that among these defendants, Mr. Dehoyos's role
19 was probably the least significant. Also, the extraordinary
20 rehabilitation that Mr. Dehoyos has demonstrated will make any
21 perceived disparity one that is warranted.

22 Taking all of these factors into account, counsel, it
23 is my intention to impose a sentence of 24 months'
24 incarceration, followed by three years of supervised release,
25 with a special condition of six months in a halfway house. It

HAN3DEHS

Sentence

1 is also my intention to adopt the other suggested special
2 conditions of outpatient substance abuse treatment, the search
3 condition, not incurring credit charges unless in compliance
4 with the installment payment schedule, and providing the
5 probation officer access to requested financial information.

6 It is also my intention to impose the restitution
7 amount of \$36,000, jointly and severally. It is also my
8 intention to impose the mandatory \$100 special assessment.

9 Counsel, is there any reason why such a sentence
10 should the not be imposed?

11 MR. PELLEGRINO: No, your Honor.

12 MS. BENNETT: No, your Honor.

13 THE COURT: Very well, then. Mr. Dehoyos.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: You're sentenced, sir, to a period of 24
16 months' incarceration. Following that time, you'll spend a
17 period of three years on supervised release. During the period
18 of supervised release, you'll comply with all of the standard
19 terms and conditions of supervised release. Among them are
20 that you not commit another federal, state or local crime; you
21 not illegally possess a controlled substance; and you not
22 possess a firearm or other destructive device.

23 In addition to those and all of the other standard
24 terms and conditions of supervised release, during that time
25 you'll spend a period of six months in a halfway house, and of

HAN3DEHS

Sentence

1 course you'll comply with all of the terms and conditions of
2 that are applicable there.

3 In addition, sir, during that period, you'll
4 participate in an outpatient treatment program for substance
5 abuse, as approved by the probation officer. That program will
6 include testing to determine whether you've gone back to the
7 use of drugs. The Court authorizes the release of available
8 drug treatment evaluations and reports, including the
9 presentence investigation report, to the substance abuse
10 treatment provider as approved by the probation officer. Sir,
11 you might be required to pay some, or all, of the costs of that
12 program, depending on your ability to pay and the availability
13 of third-party payment.

14 In addition, sir, during that period, you'll submit
15 your person, residence, place of business, vehicle, and any
16 other property or electronic devices under your control to a
17 search on the ground that the probation officer has reasonable
18 suspicion that contraband or evidence of a violation of the
19 terms and conditions of your release may can be found there.
20 Such a search must be conducted at a reasonable time and in a
21 reasonable manner. Failure to submit to such a search might be
22 grounds for revoking your supervised release. It will be your
23 obligation to inform other residents of the premises or users
24 of the electronic devices that they might be subject to a
25 search under this condition.

HAN3DEHS

Sentence

1 In addition, sir, during that period, you'll provide
2 the probation officer with access to any requested financial
3 information, and you'll also will not incur any new credit
4 charges or open any additional lines of credit, without the
5 approval of the probation officer unless you're in compliance
6 with the installment payment schedule.

7 As I mentioned earlier, restitution in the amount of
8 \$36,000 is imposed jointly and severally with the other
9 co-defendants. Payments will begin no later than one month
10 following your release from incarceration. Payments will be
11 made in amounts no smaller than 10 percent of your gross
12 monthly income. Payments shall be made to the Clerk of the
13 Court, United States District Court, Southern District of New
14 York, 500 Pearl Street, New York, New York, 10007. From time
15 to time, the clerk of the court shall disburse payments to
16 Martin Jewelers, 12 N Avenue W, Cranford, New Jersey, 07016,
17 attention Ellen Ramer, owner. With the re line of your name
18 and the docket number of this case, S4 14 CR 130. Payments
19 should be made monthly.

20 Finally, sir, I must impose and do impose the
21 mandatory \$100 special assessment. And that should be paid
22 promptly.

23 It is my duty to inform you that unless you've waived
24 it, you have the right to appeal this sentence. And you might
25 have the right to the appeal in forma pauperis, which means as

HAN3DEHS

Sentence

1 a poor person, with the waiver of certain fees and expenses.

2 Counsel, is there anything further?

3 MR. PELLEGRINO: The government moves to dismiss any
4 open counts, your Honor.

5 THE COURT: So ordered.

6 MS. BENNETT: Nothing, your Honor. Just one question
7 on restitution. Would it be possible to order that that begin
8 one month after Mr. Dehoyos is released from community housing?
9 Only that there may be some restrictions on his movement that
10 might interfere with gainful employment during that time.

11 THE COURT: One month after your release, sir, from
12 the halfway house.

13 THE DEFENDANT: All right.

14 MS. BENNETT: Thank you, your Honor.

15 THE COURT: Anything else?

16 MS. BENNETT: Nothing further.

17 THE COURT: Mr. Dehoyos, you sound like a changed man.
18 You've certainly persuaded me. Don't embarrass counsel and
19 don't embarrass your daughter by coming back here.

20 THE DEFENDANT: I won't, your Honor.

21 THE COURT: All right. Sir, you can come and visit
22 any time you want, but I don't want to see you sitting at that
23 table again.

24 THE DEFENDANT: Okay. No problem.

25 THE COURT: All right. You have a wonderfully

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Sentence

1 beautiful daughter. And now go out and make her proud.

2 Thank you, counsel, thank you for your assistance.

3 MS. BENNETT: Thank you, Judge.

4 MR. PELLEGRINO: Thank you, your Honor.

5 (Adjourned)

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